IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

TUESDAY, THE 25TH SEPTEMBER 2007 / 3RD ASWINA 1929

WP(C).No. 28415 of 2007(G)

PETITIONER:

DR.N.N.NIZA BEEGUM,
ASSISTANT SURGEON,
TALUK HEADQUARTERS HOSPITAL,
CHIRAYINKEEZHU,
THIRUVANANTHAPURAM.

BY ADV. SRI.P.RAVINDRAN

RESPONDENTS:

---

1. THE DIRECTOR OF HEALTH SERVICES,
THIRUVANANTHAPURAM.

2. THE DISTRICT MEDICAL OFFICER,
OFFICE OF THE DISTRICT MEDICAL OFFICER OF HEALTH,
THIRUVANANTHAPURAM.

3. THE SUPERINTENDENT,
TALUK HOSPITAL,
CHIRAYINKIL.

BY ADV. SHRI.BEJOY CHANDRAN, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J.

WP(C) No. 28415 of 2007

Dated, this the 25th day of September, 2007

J U D G M E N T

The petitioner is presently working as an Assistant Surgeon in Taluk Headquarters Hospital, Chirayinkeezhu. She claims that she is entitled to be exempted from taking turn duty on the basis of the fact that she has put in 20 years of service including the period of service reckoned in the Insurance Department also. Apparently, petitioner's claim in this regard was accepted by the District Medical Officer, who had issued Ext.P5 direction to the 3rd respondent, Superintendent of the Taluk Headquarters Hospital, Chirayinkeezhu, requiring the petitioner to be exempted from taking turn duty in terms of Government Order No. Rt. 4577/94/H&FWD dated 14/12/1994. As the 3rd respondent did not do anything, the petitioner approached the Director of Health Services as per Ext.P6, which led to Ext.P7. Ext.P7 reads as follows :-

> "With reference to the above, the representation of Dr. Nisa Beegum, Assistant Surgeon with connected orders have been verified. Hence I am to direct you to implement the direction of District Medical Officer of Health, Thiruvananthapuram vide letter dated 13/07/2006 and report compliance."

The petitioner claims that notwithstanding the direction of Director

of Health Services, she is not exempted from the turn duty by the Superintendent. Hence this writ petition.

2. I have heard learned counsel for the petitioner as also the learned Government Pleader appearing on behalf of respondents.

3. Apparently, the Head of the Department and the District Medical Officer, who has administrative jurisdiction over the petitioner have thought it fit to exempt the petitioner from taking turn duty in terms of G.O. No. Rt. 4577/94/H&FWD dated 14/12/1994, the Government Order governing the situation. If that be so, there is no reason why the Superintendent should not act in accordance with such directions.

4. In the circumstances, this writ petition is disposed of directing 3rd respondent to take appropriate action in accordance with Exts.P5 & P7 within a period of two weeks from the date of receipt of copy of the judgment, provided the direction issued under Ext.P5 and reiterated in Ext.P7 is still in force.

5. The petitioner will produce copy of this judgment along with copy of the writ petition, within a period of one week from the date of receipt of a copy of the judgment before the 3rd respondent.

(V.GIRI, JUDGE.)

jg